

	Index	Deflator percent
	Motor Carriers of Passengers Producer Price Index	
1988	106.9	
1991	116.5	91.76
1992	117.2	91.21
1993	118.9	89.90
1994	120.4	88.70

¹ Ex Parte No. 492, *Montana Rail Link, Inc., and Wisconsin Central Ltd., Joint Petition For Rulemaking With Respect To 49 CFR 1201*, served June 17, 1992, raised the revenue classification level for Class I railroads from \$50 million to \$250 million (1991 dollars), effective for the reporting year beginning January 1, 1992.

² Ex Parte No. MC-206, *Revisions to Accounting and Reporting Requirements for Motor Carriers of Property*, served January 27, 1994, raised the revenue classification level for Class I motor carriers of property from \$5 million to \$10 million (1993 dollars), effective for the reporting year beginning January 1, 1994.

EFFECTIVE DATE: January 1, 1995.

FOR FURTHER INFORMATION CONTACT:

Ward L. Ginn Jr., (202) 927-5740.

Vernon A. Williams,
Secretary.

[FR Doc. 95-28045 Filed 11-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 516X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in Floyd
County, KY**

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 1.96-mile portion of its rail line (known as the Stephens Branch) between milepost COP-0.0 and milepost COP-1.96 at the end of the track, near Marrs, in Floyd County, KY.

CSXT has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely

affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 14, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR

1152.27(c)(2),² and trail use/rail banking statements under 49 CFR 1152.29 must be filed by November 24, 1995.³ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by December 4, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423-2191.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water Street J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by November 17, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or other trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

¹ The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

³ The Commission will accept a late-filed trail use request so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Decided: November 6, 1995.

By the Commission, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95-28046 Filed 11-13-95; 8:45 am]

BILLING CODE 7035-01-P

DEPARTMENT OF JUSTICE

**Notice of Lodging of Settlements
Pursuant to the Clean Water Act and
the National Wildlife Refuge
Administration Act**

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that two settlements in *United States v. Leitheiser*, Civil No. 92-4143 (D.S.D.), were lodged with the United States District Court for the District of South Dakota, Southern Division, on or about November 7, 1995.

The first settlement is in the form of a proposed Consent Decree resolving alleged violations of Clean Water Act section 301(a), 33 U.S.C. 1311(a), and alleged violations of the National Wildlife Refuge Administration Act, 16 U.S.C. 668dd(c) ("Refuge Act"), by Merle Hoiten, Merle Hoiten, Jr., and the Hoiten Construction Company ("Hoitens"). Under the terms of the agreement, the Hoiten defendants will pay a civil penalty to the United States.

The second settlement is in the form of a Stipulation to Dismiss resolving alleged violations of the Refuge Act by the Leitheisers. Under the terms of the Stipulation to Dismiss, the Leitheisers will perform certain restoration work adjacent to the Hyde Waterfowl Protection Area ("WPA"), and pay money to the Fish and Wildlife Service for the maintenance of the Hyde WPA. Any remaining claims would also be dismissed.

The Department of Justice will receive written comments relating to the proposed settlements for a period of 30 days from the date of publication of this notice. Comments should be addressed to Rebecca A. Lloyd, Esquire, U.S. Department of Justice, Environmental Defense Section, Suite 945—North Tower, 999 18th Street, Denver, CO 80202, should refer to *United States v. Leitheiser*, Civil No. 92-4143 (D.S.D.), and should also make reference to DJ# 90-5-1-1-3600.

The proposed settlements may be examined at the Clerk's Office, United States District Court for the District of South Dakota, Southern Division, 400 S.

Phillips Avenue, Suite 220, Sioux Falls, South Dakota 57102.

Letitia J. Grishaw,

Chief, Environmental Defense Section,
Environment and Natural Resources Division.

[FR Doc. 95-28012 Filed 11-13-95; 8:45 am]

BILLING CODE 4410-01-M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, notice is hereby given that a proposed partial consent decree in *United States v. The S.W. Shattuck Chemical Company, Inc.*, Case No. 95-WY-1240, was lodged on October 31, 1995, with the United States District Court for the District of Colorado.

The proposed partial consent decree resolves claims of the United States against the defendant in *United States v. The S.W. Shattuck Chemical Company, Inc.*, brought under Section 107 of the comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, as amended, for the recovery of past costs incurred by the United States at the Denver Radium Superfund Site-Operable Unit VIII ("Denver Radium-OU VIII Site") in Denver, Colorado. Under the terms of the proposed decree, the settling defendant will pay the United States \$2,402,278, plus interest after April 1, 1995, in settlement of the United States' past costs claims against the settling defendant.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed partial consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. The S.W. Shattuck Chemical Company, Inc.*, DOJ Ref. #90-11-2-741.

The proposed consent decree may be examined at the Office of the United States Attorney, 1961 Stout Street, 11th Floor, Denver, Colorado 80294; the Region 8 Office of the United States Environmental Protection Agency, 999 18th Street, Suite 500, Denver, Colorado 80202; and at the Consent Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, 202-624-0892. A copy of the proposed partial consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy, please refer to the case referenced above and enclose a

check in the amount of \$5.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Acting Chief, Environmental Enforcement
Section, Environment and Natural Resources
Division.

[FR Doc. 95-28013 Filed 11-13-95; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Folk and Traditional Arts Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Folk & Traditional Arts Advisory Panel (Folk Arts Organizations Section) to the National Council on the Arts will meet on December 5-8, 1995. The panel will meet from 8:30 a.m. to 6:30 p.m. on December 5; from 8:30 a.m. to 3:30 p.m. on December 6; from 8:30 a.m. to 6:30 p.m. on December 7; and from 8:30 a.m. to 3:30 p.m. on December 8. This meeting will be held in Room 716, at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants.

In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: November 7, 1995.

Yvonne M. Sabine,

Director, Council & Panel Operations,
National Endowment for the Arts.

[FR Doc. 95-28061 Filed 11-13-95; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-298]

Nebraska Public Power District, Cooper Nuclear Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an exemption from certain requirements of its regulations to Facility Operating License Number DPR-46. This license was issued to the Nebraska Public Power District (the licensee) for operation of the Cooper Nuclear Station (CNS) located in Nemaha County, Nebraska.

Environmental Assessment

Identification of the Proposed Action

The licensee requested, in its application dated May 13, 1994, an exemption from the pressure test requirements of Section III.D.2(b)(ii) of Appendix J, "Primary Reactor Containment Leakage Testing For Water-Cooled Power Reactors," to 10 CFR Part 50 (Appendix J to 10 CFR Part 50). The staff discussed the details of the proposed exemption with the licensee in a telephone conference call on September 28, 1995. The proposed exemption would allow the licensee to leak test the personnel air lock at CNS at a test pressure less than P_a , (the calculated peak containment internal pressure resulting from the containment design basis accident), under certain conditions. The reduced pressure test of the air lock would be conducted as the first of two tests during a restart from refueling or cold shutdown, prior to entry into an operational mode requiring containment leaktight integrity by the CNS Technical Specifications (TSs). As stated in CNS TS 4.7.A.2.f.5, for periodic leakage testing of the personnel air lock, P_a is 58 psig and the reduced test pressure is 3 psig.

This leakage test is part of the Type B tests required by Appendix J to 10 CFR Part 50 to verify containment integrity. Because an air lock allows entry into the containment and is part of the containment pressure boundary, excessive leakage through the air lock could compromise containment integrity. The air lock consists of an inner and outer door and the leakage test is performed by pressurizing the space between the doors.